

ESTTA Tracking number: **ESTTA698579**Filing date: **09/28/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	LinkedIn Corporation
Granted to Date of previous extension	09/27/2015
Address	2029 Stierlin Court Mountain View, CA 94043 UNITED STATES
Attorney information	Judd D. Lauter COOLEY LLP 1299 PENNSYLVANIA AVE NW, SUITE 700 WASHINGTON, DC 20004 UNITED STATES jlauter@cooley.com, jcullum@cooley.com, aanderson@cooley.com, trademarks@cooley.com Phone:202-728-7052

Applicant Information

Application No	86431380	Publication date	03/31/2015
Opposition Filing Date	09/28/2015	Opposition Period Ends	09/27/2015
Applicant	Emeraz Ltd 96 Donabate, none IRELAND		

Goods/Services Affected by Opposition

<p>Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Advertisement for others on the Internet; Advertising and marketing; Advertising and marketing consultancy; Advertisingand publicity services; Advertising consultation; Advertising on the Internet for others; Advertising services; Banner advertising; Classified advertising services; Compilation of advertisements for use as web pages on the Internet; Developing advertising campaigns for others geared toward environmental issues; On-line customer-based social media brand marketing services; On-line promotion of computer networks and websites; Online advertising network matching services for connecting advertisers to websites; On-lineservice for connecting social network users with retailers for the purpose of facilitating discounted purchases; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a searchable website featuring the goods and services of other vendors; Providing a website featuring a list of items and services available for rent by others; Providing a website for connecting sellers with buyers; Social media strategy and marketing consultancy focusing on helping clients create and extend their product and brand strategies by building virally engaging marketing solutions</p>
<p>Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing access to digital music websites</p>

on the Internet; Streaming of audio material on the Internet; Streaming of audio, visual and audiovisual material via a global computer network; Streaming of video material on the Internet; Streaming of audio material on the Internet; Transmission services via the Internet, featuring MP3 files and music videos


Class 045. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Internet-based social networking services; On-line social networking services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3074241	Application Date	05/05/2003
Registration Date	03/28/2006	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/05/05 First Use In Commerce: 2003/05/05 Online business networking services		


U.S. Registration No.	3074242	Application Date	05/05/2003
Registration Date	03/28/2006	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/05/05 First Use In Commerce: 2003/05/05 Online business networking services		


U.S. Registration No.	3959413	Application Date	07/16/2009
Registration Date	05/10/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".		
Goods/Services	<p>Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00</p> <p>Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public awareness about community service; providing online career networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking</p>		

U.S. Registration No.	3959419	Application Date	07/16/2009
Registration Date	05/10/2011	Foreign Priority Date	NONE
Word Mark	IN		


Design Mark			
Description of Mark	The mark consists of the word "IN" shown inside a square with a shaded background.		
Goods/Services	<p>Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00</p> <p>Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public awareness about community service; providing online career networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking</p>		
U.S. Registration No.	3959420	Application Date	07/16/2009
Registration Date	05/10/2011	Foreign Priority Date	NONE
Word Mark	IN		


Design Mark			
Description of Mark	The mark consists of the word "IN" shown in white letters inside a blue square.		
Goods/Services	Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public awareness about community service; providing online career networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking		
U.S. Registration No.	3963244	Application Date	07/16/2009
Registration Date	05/17/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public awareness about community service; providing online career networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking

U.S. Registration No.	4067996	Application Date	07/16/2009
Registration Date	12/06/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".		
Goods/Services	Class 035. First use: First Use: 2010/11/00 First Use In Commerce: 2010/11/00 providing information all relating to consumer products, services, events and activities in a particular geographic region		

U.S. Registration No.	4158263	Application Date	07/16/2009
Registration Date	06/12/2012	Foreign Priority Date	NONE
Word Mark	LINKEDIN		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2010/11/00 First Use In Commerce: 2010/11/00 providing information all relating to consumer products, services, events and activities in a particular geographic region; organizing and conducting job fairs; providing online interactive employment counseling

U.S. Registration No.	3975152	Application Date	07/16/2009
Registration Date	06/07/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".		
Goods/Services	Class 038. First use: First Use: 2008/12/00 First Use In Commerce: 2008/12/00 Telecommunications services, namely, electronic transmission of data and digital messaging via mobile handheld devices and via wired and wireless communication devices; telecommunications services, namely, enabling users to electronically transmit messages, text, multimedia content, videos, photos, audio, animation and images via a global computer network; providing online communications links which transfer website users to other websites; providing online forums, chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; providing access to computer, electronic and online databases; audio and video broadcasting services over the Internet, namely, posting, displaying, and electronically transmitting data, audio and video; providing access to computer databases in the fields of entertainment and education; providing access to computer databases in the field of social networking		

U.S. Registration No.	4023236	Application Date	07/16/2009
Registration Date	09/06/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		

Design Mark	<h1>LINKEDIN</h1>
Description of Mark	NONE
Goods/Services	Class 038. First use: First Use: 2008/12/00 First Use In Commerce: 2008/12/00 Telecommunications services, namely, electronic transmission of data and digital messaging via mobile handheld devices and via wired and wireless communication devices; telecommunications services, namely, enabling users to electronically transmit messages, text, multimedia content, videos, audio, animation and images via a global computer network; providing online communications links which transfer website users to other websites; providing online forums, chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; providing access to computer, electronic and online databases; audio and video broadcasting services over the Internet, namely, posting, displaying and electronically transmitting data, audio and video; providing access to computer databases in the fields of entertainment and education; providing access to computer databases in the field of social networking

U.S. Registration No.	4023238	Application Date	07/16/2009
Registration Date	09/06/2011	Foreign Priority Date	NONE
Word Mark	IN		
Design Mark			
Description of Mark	The mark consists of the word "IN" shown inside a square with a shaded background.		

Goods/Services	Class 038. First use: First Use: 2008/12/00 First Use In Commerce: 2008/12/00 Telecommunications services, namely, electronic transmission of data and digital messaging via mobile handheld devices and via wired and wireless communication devices; telecommunications services, namely, enabling users to electronically transmit messages, text, multimedia content, videos, photos, audio, animation and images via a global computer network; providing online communications links which transfer website users to other websites; providing online forums, chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; providing access to computer, electronic and online databases; audio and video broadcasting services over the Internet, namely, posting, displaying and electronically transmitting data, audio and video; providing access to computer databases in the fields of entertainment and education; providing access to computer databases in the field of social networking
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U.S. Registration No.	4023239	Application Date	07/16/2009
Registration Date	09/06/2011	Foreign Priority Date	NONE


Word Mark	IN
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Design Mark	
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Description of Mark	The mark consists of the word "IN" shown in white letters inside a blue square.
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Goods/Services	Class 038. First use: First Use: 2008/12/00 First Use In Commerce: 2008/12/00 Telecommunications services, namely, electronic transmission of data and digital messaging via mobile handheld devices and via wired and wireless communication devices; telecommunications services, namely, enabling users to electronically transmit messages, text, multimedia content, videos, photos, audio, animation and images via a global computer network; providing online communications links which transfer website users to other websites; providing online forums, chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; providing access to computer, electronic and online databases; audio and video broadcasting services over the Internet, namely, posting, displaying and electronically transmitting data, audio and video; providing access to computer databases in the fields of entertainment
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	and education; providing access to computer databases in the field of social networking
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U.S. Registration No.	3967561	Application Date	07/16/2009
Registration Date	05/24/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00</p> <p>Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; computer services in the nature of customized web pages featuring user-defined information, personal profiles, audio and images; scientific and industrial research in the fields of business and online social networking; providing a web site featuring temporary use of non-downloadable software allowing web site users to post and display online videos and photos for sharing with others for entertainment purposes; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest</p>		


U.S. Registration No.	3979174	Application Date	07/16/2009
Registration Date	06/14/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		


Design Mark	
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".
Goods/Services	Class 042. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; computer services in the nature of customized web pages featuring user-defined information, personal profiles, and images; scientific and industrial research in the fields of business and online social networking; providing a web site featuring temporary use of non-downloadable software allowing web site users to post and display online videos and photos for sharing with others for entertainment purposes; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest

U.S. Registration No.	3971641	Application Date	07/16/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE
Word Mark	IN		


Design Mark			
Description of Mark	The mark consists of the word "IN" shown inside a square with a shaded background.		
Goods/Services	<p>Class 042. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00</p> <p>Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; computer services in the nature of customized web pages featuring user-defined information, personal profiles, and images; scientific and industrial research in the fields of business and online social networking; providing a web site featuring temporary use of non-downloadable software allowing web site users to post and display online videos and photos for sharing with others for entertainment purposes; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest</p>		
U.S. Registration No.	3971640	Application Date	07/16/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE
Word Mark	IN		

Design Mark			
Description of Mark	The mark consists of the word "IN" shown in white letters inside a blue square.		
Goods/Services	Class 042. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; computer services in the nature of customized web pages featuring user-defined information, personal profiles, and images; scientific and industrial research in the fields of business and online social networking; providing a web site featuring temporary use of non-downloadable software allowing web site users to post and display online videos and photos for sharing with others for entertainment purposes; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest		
U.S. Registration No.	3971644	Application Date	07/16/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		

Design Mark	
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".
Goods/Services	Class 045. First use: First Use: 2003/05/00 First Use In Commerce: 2003/05/00 Social introduction and social networking services; licensing of computer software and intellectual property

U.S. Registration No.	4007079	Application Date	07/16/2009
Registration Date	08/02/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 045. First use: First Use: 2003/05/00 First Use In Commerce: 2003/05/00 Social introduction and social networking services; licensing of computer software and intellectual property		

U.S. Registration No.	4016686	Application Date	07/16/2009
Registration Date	08/23/2011	Foreign Priority Date	NONE
Word Mark	IN		

Design Mark	
Description of Mark	The mark consists of the word "in" shown inside a square with a shaded background.
Goods/Services	Class 045. First use: First Use: 2003/05/00 First Use In Commerce: 2003/05/00 Social introduction and social networking services; licensing of computer software and intellectual property

U.S. Registration No.	4016688	Application Date	07/16/2009
Registration Date	08/23/2011	Foreign Priority Date	NONE
Word Mark	IN		
Design Mark			

Description of Mark	The mark consists of the word "in" shown in white letters inside a blue square.
Goods/Services	Class 045. First use: First Use: 2003/05/00 First Use In Commerce: 2003/05/00 Social introduction and social networking services; licensing of computer software and intellectual property

U.S. Registration No.	3704030	Application Date	12/11/2007
Registration Date	11/03/2009	Foreign Priority Date	NONE


Word Mark	IN
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Design Mark	
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Description of Mark	The mark consists of the word "in" shown inside a square with shaded background.
Goods/Services	Class 035. First use: First Use: 2003/10/23 First Use In Commerce: 2003/10/23 Online business networking services

U.S. Registration No.	3704031	Application Date	12/11/2007
Registration Date	11/03/2009	Foreign Priority Date	NONE

Word Mark	IN
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Design Mark	
Description of Mark	The mark consists of the word "in" shown in white letters inside a blue square.
Goods/Services	Class 035. First use: First Use: 2003/10/23 First Use In Commerce: 2003/10/23 Online business networking services

Attachments	78245639#TMSN.png(bytes) 78245676#TMSN.png(bytes) 77981556#TMSN.png(bytes) 77981607#TMSN.png(bytes) 77981608#TMSN.png(bytes) 77981606#TMSN.png(bytes) 77982578#TMSN.png(bytes) 77982924#TMSN.png(bytes) 77782942#TMSN.png(bytes) 77782811#TMSN.png(bytes) 77782871#TMSN.png(bytes) 77782904#TMSN.png(bytes) 77981731#TMSN.png(bytes) 77981780#TMSN.png(bytes) 77981733#TMSN.png(bytes) 77981732#TMSN.png(bytes) 77981736#TMSN.png(bytes) 77982132#TMSN.png(bytes) 77982141#TMSN.png(bytes) 77982145#TMSN.png(bytes) 77349546#TMSN.png(bytes) 77349553#TMSN.png(bytes) Notice of Opposition re INMUSIK.pdf(137427 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Judd D. Lauter/
Name	Judd D. Lauter
Date	09/28/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 86/431,380
For the Trademark InMusik
Published in the *Official Gazette*
on March 31, 2015

LINKEDIN CORPORATION,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
EMERAZ LTD dba InMusik,)	
)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer LinkedIn Corporation (“LinkedIn”), a Delaware corporation having its principal place of business at 2029 Stierlin Court, Mountain View, California 94043, believes that it will be damaged by the issuance of a registration for the mark InMusik in Application Serial No. 86/431,380 filed October 22, 2014 by Emeraz Ltd dba InMusik, an Irish limited liability company having a place of business at 96 The Links, Donabate, Ireland (“Applicant”). LinkedIn hereby opposes Applicant’s application pursuant to Section 13 of the United States Trademark Act, as amended, 15 U.S.C. §1063.

As grounds for opposition, LinkedIn alleges that:

1. LinkedIn operates the world's largest professional network on the Internet with more than 300 million members in over 200 countries and territories. LinkedIn continues to grow at a rate of approximately two new members every second. LinkedIn's networking services facilitate the ability of individuals and companies to engage in communications on a wide variety of topics, promote and advertise their offerings, and to access and share information of interest on a wide spectrum of topics. LinkedIn's members include a broad range of individuals and companies, from Fortune 500 enterprises to small businesses. LinkedIn members have the opportunity to create groups centered on particular subjects. Groups offer members a more focused network within which to promote services, develop personal and professional connections, and share resources. Members also use LinkedIn's services to grow their businesses through a variety of advanced marketing solutions (the "LinkedIn Marketing Solutions"), home pages and advertising designed to build consumer relationships and reach targeted, high-quality audiences.

2. Since its launch in 2003, LinkedIn has continuously used the marks LINKEDIN, LINKEDIN & Design, and IN & Design (collectively the "LINKEDIN Marks") in interstate commerce in the United States in connection with its services.

3. LinkedIn is the owner of numerous U.S. registrations for the LINKEDIN Marks on the Principal Register including, without limitation: U.S. Registration Nos. 3,074,241 and 3,074,242 issued on March 28, 2006 and U.S. Registration Nos. 3,704,030 and 3,704,031 issued on November 3, 2009 and covering "[o]nline business networking services" in Class 35; U.S. Registration Nos. 3,959,413, 3,959,419, and 3,959,420 issued on May 10, 2011, and U.S. Registration No. 3,963,244 issued on May 17, 2011, and covering, *inter alia*, "advertising and marketing services, namely, promoting goods and services for businesses; ... promoting the

goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; ... electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking” in Class 35; U.S. Registration No. 4,067,996 issued on December 6, 2011 and covering “providing information all relating to consumer products, services, events and activities in a particular geographic region” in Class 35; U.S. Registration No. 4,158,263 issued on June 12, 2012 and covering, *inter alia*, “providing information all relating to consumer products, services, events and activities in a particular geographic region...” in Class 35; U.S. Registration No. 3,975,152 issued on June 7, 2011, and U.S. Registration Nos. 4,023,236, 4,023,238, and 4,023,239 issued on September 6, 2011, and covering “telecommunications services, namely, electronic transmission of data and digital messaging via mobile handheld devices and via wired and wireless communication devices; telecommunications services, namely, enabling users to electronically transmit messages, text, multimedia content, videos, photos, audio, animation and images via a global computer network; providing online communications links which transfer website users to other websites; providing online forums, chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; providing access to computer, electronic and online databases; audio and video broadcasting services over the Internet, namely, posting, displaying and electronically transmitting data, audio and video; providing access to computer databases in the fields of entertainment and education; providing

access to computer databases in the field of social networking” in Class 38; U.S. Registration Nos. 3,967,561 and 3,979,174 issued on May 24, 2011 and June 14, 2011, respectively, and U.S. Registration Nos. 3,971,641 and 3,971,640 issued May 31, 2011 and covering, *inter alia*, “computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; ...computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest” in Class 42; and U.S. Registration Nos. 3,971,644 and 4,007,079 issued on May 31, 2011 and August 2, 2011, respectively, and U.S. Registration Nos. 4,016,686 and 4,016,688 issued on August 23, 2011, and covering, *inter alia*, “social introduction and social networking services...” in Class 45.

4. LinkedIn also owns common law rights in the LINKEDIN Marks based on its continual use of these marks in connection with its services offerings since 2003.

5. LinkedIn has expended considerable effort and expense in promoting the LINKEDIN Marks and the services offered in connection with these marks, both in the United

States and internationally, and the Marks embody the substantial and valuable reputation and goodwill that LinkedIn has earned in the marketplace for its high quality services.

6. In addition to its own advertising efforts, LinkedIn has been the subject of thousands of unsolicited stories in the media, highlighting LinkedIn's innovative and successful online networking services. LinkedIn has also received awards and recognitions for its innovative offerings.

7. As a result of LinkedIn's widespread use of the LINKEDIN Marks worldwide, extensive advertising and promotion and continuous and unsolicited media coverage, as well as the high degree of consumer recognition of the LINKEDIN Marks, the strong and loyal base of customers that LinkedIn enjoys for its services, and LinkedIn's trademark registrations, among other factors, the LINKEDIN Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. §1125(c).

APPLICANT AND ITS PENDING APPLICATIONS

Applicant seeks to register the mark InMusik in connection with the following services:

Class 35: Advertisement for others on the Internet; Advertising and marketing; Advertising and marketing consultancy; Advertising and publicity services; Advertising consultation; Advertising on the Internet for others; Advertising services; Banner advertising; Classified advertising services; Compilation of advertisements for use as web pages on the Internet; Developing advertising campaigns for others geared toward environmental issues; On-line customer-based social media brand marketing services; On-line promotion of computer networks and websites; Online advertising network matching services for connecting advertisers to websites; Online service for connecting social network users with retailers for the purpose of facilitating discounted purchases; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a searchable website featuring the goods and services of other vendors; Providing a website featuring a list of items and services available for rent by others; Providing a website for connecting sellers with buyers; Social media strategy and marketing consultancy focusing on helping clients create and extend their product and brand strategies by building virally engaging marketing solutions;

Class 38: Providing access to digital music websites on the Internet; Streaming of audio material on the Internet; Streaming of audio, visual and audiovisual material via a global computer network; Streaming of video material on the Internet; Streaming of audio material on the Internet; Transmission services via the Internet, featuring MP3 files and music videos; and

Class 45: Internet-based social networking services; On-line social networking services.

8. This application was published in the *Official Gazette* of the PTO on March 31, 2015. LinkedIn filed a Request for Extension of Time to Oppose on April 30, 2015, and again on July 28, 2015, both of which were granted, extending the time to oppose to September 27, 2015. This Opposition is timely filed.

9. The InMusik mark is substantially similar to the LINKEDIN Marks in overall commercial impression. Moreover, Applicant's use of the InMusik mark is imitative of the LINKEDIN Marks as Applicant differentiates the "IN" component of its mark from the "MUSIK" component by use of the color blue; and Applicant depicts the IN component in a font closely similar to the font utilized by LinkedIn for its LINKEDIN Marks.

10. The services intended to be offered under the InMusik mark are substantially similar, if not identical, to those provided by LinkedIn. Specifically, under the LINKEDIN Marks, LinkedIn provides a wide range of marketing, advertising, and online social and professional networking services and related web-based software tools directed to businesses and individuals. On information and belief, and based on Applicant's description of services in the Application, Applicant's services are similarly directed to supporting the advertising efforts of third parties. In addition, LinkedIn offers a plethora of services which facilitate the ability of users to connect, communicate, share information and broadly network on topics of interest. Consequently, Applicant's proposed "social networking services" apparently to be offered in

connection with its business advertising services are directly overlapping with LinkedIn's services.

11. Due to the similarities in commercial impression with the LINKEDIN Marks and the direct overlap in offerings, the InMusik mark is likely to create consumer confusion.

12. On information and belief, Applicant selected and stylized the InMusik mark with knowledge of the LinkedIn Marks. LinkedIn is not affiliated or connected with Applicant or its services; nor has LinkedIn endorsed or sponsored Applicant or its services.

13. There is no issue as to priority of use. LinkedIn began using its LINKEDIN Marks, and enjoys priority as a result of the filing dates of its trademark registrations, well prior to the filing date of the application for the InMusik mark.

**FIRST GROUND FOR OPPOSITION
LIKELIHOOD OF CONFUSION**

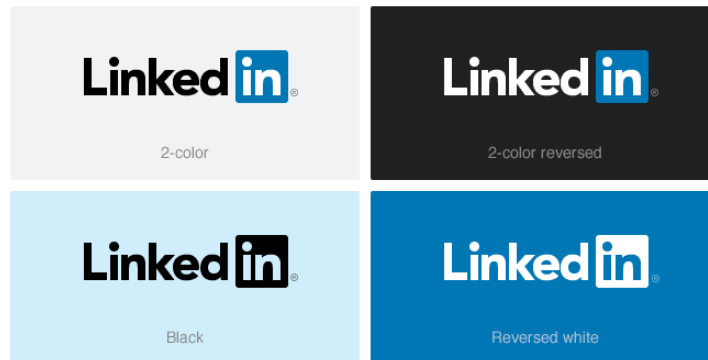
14. LinkedIn incorporates by reference paragraphs 1 through 13, inclusive, as if fully set forth here.

15. The mark Applicant proposes to register, InMusik, is confusingly similar to the LINKEDIN Marks in appearance and commercial impression because it features prominently the formative IN combined with only with the word MUSIK. The form of Applicant's Mark is imitative of the LINKEDIN Marks in its emphasis on the formative IN. LinkedIn's IN & Design mark is ubiquitous, appearing on millions of pages on the Internet and is widely understood as referring to LinkedIn. As displayed on Applicant's webpage, Applicant imitates the LinkedIn Marks by depicting the InMusik mark in a font and color scheme similar those used by LinkedIn to display its LINKEDIN Marks.

Applicant displays its mark as follows:



LinkedIn depicts its marks as follows:



16. Applicant's InMusik mark thereby imitates the overall commercial impression of the LINKEDIN Marks.

17. The services offered by each party are overlapping. According to the identification of services in the subject application, Applicant intends to use the InMusik marks in connection with advertising and promotion of third party products and services and social networking services. These services are the same as and directly overlapping with the services offering by LinkedIn under the LinkedIn Marks. LinkedIn is not affiliated or connected with Applicant or its services; nor has LinkedIn endorsed or sponsored Applicant or its services.

18. Registration of Applicant's InMusik mark will injure LinkedIn by causing the public to be confused or mistaken into believing that the services provided by Applicant are endorsed or sponsored by LinkedIn. LinkedIn has no control over the nature and quality of the services offered by Applicant under the InMusik mark, and LinkedIn's reputation and goodwill will be damaged and the value of the LINKEDIN Marks jeopardized, all to LinkedIn's detriment.

19. Accordingly, registration of the mark herein opposed will damage LinkedIn because Applicant's mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus Applicant's InMusik mark is unregistrable under Sections 2(d) and 3 of the United States Trademark Act, as amended, 15 U.S.C. §§1052 and 1053, and should be refused registration.

**SECOND GROUND FOR OPPOSITION
DILUTION OF A FAMOUS MARK**

20. LinkedIn incorporates by reference paragraphs 1 through 19, inclusive, as if fully set forth here.

21. The LINKEDIN Marks are highly distinctive of LinkedIn's services.

22. LinkedIn has used the LINKEDIN Marks since at least 2003 for online business, professional, and social networking services and related services, in particular marketing and advertising services, as alleged.

23. LinkedIn has extensively advertised and promoted the LINKEDIN Marks. LinkedIn and the LINKEDIN Marks have also enjoyed extensive media attention.

24. As a result of the considerable publicity afforded the LINKEDIN Marks, and the strong and loyal base of customers that LinkedIn enjoys for its services, the LINKEDIN Marks have a high degree of consumer recognition.

25. LinkedIn is the owner of U.S. registrations for the LINKEDIN Marks.

26. Apart from unauthorized infringing uses of such marks, LinkedIn is not aware of any material use of any highly similar mark by others.

27. Accordingly, when the public encounters the term “LINKEDIN,” it immediately associates the term with LinkedIn. Consumers respond similarly to the IN & Design mark. Thus the LINKEDIN Marks are famous.

28. The LINKEDIN Marks became famous before Applicant filed its application for the InMusik mark on October 22, 2014.

29. The InMusik mark is similar to the LINKEDIN Marks, and it is likely to cause dilution of the famous LINKEDIN Marks, including dilution by blurring, all to LinkedIn’s damage.

30. Registration of the mark herein opposed is likely to dilute LinkedIn’s famous LINKEDIN Marks by creating an association between the marks that impairs the distinctiveness of the LINKEDIN Marks. Thus, Applicant’s InMusik mark is unregistrable pursuant to Sections 2(a)(d), 3, 13, and 43(c) of the United States Trademark Act.

31. Wherefore, LinkedIn prays that this Opposition be sustained, and that Application Serial No. 86/431,380 be refused.

Please recognize the following as attorneys for LinkedIn in this proceeding: Janet L. Cullum, Anne H. Peck, Peter J. Willsey, and Judd D. Lauter (members of the Bar of the States of New York, California or Virginia), and the firm of Cooley LLP, 1114 Avenue of the Americas, New York, New York 10036-7798.

Please address all communications to Janet L. Cullum at the address below.

In accordance with 37 C.F.R. §§ 2.101 and 2.6(a)(17), the fees for one International Class for the opposed application are submitted herewith.

Respectfully submitted,
COOLEY LLP
Janet L. Cullum

Date: September 28, 2015

By: /Janet L Cullum/
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CERTIFICATE OF SERVICE

I hereby certify that on **September 28, 2015**, a true and correct copy of the foregoing **NOTICE OF OPPOSITION** has been served by mailing said copy on September 28, 2015, via First Class Mail, postage prepaid to Emeraz Ltd dba InMusik at the following address:

Emeraz Ltd dba InMusik
The Links, 96
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Ireland
steve@inmusic.co, stephen@emeraz.com

Date: September 28, 2015

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